

Panaji, 22nd April, 2013 (Vaishaka 2, 1935)

SERIES I No. 3

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Panchayati Raj &
Community Development

Directorate of Panchayats

Notification

5/DP/TAX-FEES/2013

Whereas certain draft rules which the Government of Goa proposed to make so as to further amend the Goa Panchayat Raj (Imposition of taxes, fees and other dues) Rules, 1998 were published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), in the Official Gazette, Series I No. 41 (Extraordinary No. 2) dated 16th January, 2013 under Notification Number 5/DP/TAX-FEES/2012/513 dated 16-01-2013 of the Department of Panchayati Raj and Community Development, Directorate of Panchayats, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette.

And whereas the said Official Gazette was made available to the public on 16th January, 2013;

And whereas objections and suggestions received on the said draft rules have been considered by the Government;

Now, therefore, in exercise of the powers conferred by sections 153 and 155 read with

sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules so as to further amend the Goa Panchayat Raj (Imposition of taxes, fees and other dues) Rules, 1998, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Panchayat Raj (Imposition of taxes, fees and other dues) (Second Amendment) Rules, 2013.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. *Amendment of rule 7.*— In rule 7 of the Goa Panchayat Raj (Imposition of taxes, fees and other dues) Rules, 1998, in sub-rule (2), after clause (d), the following clause shall be inserted, namely:—

“(e) residential buildings belonging to the persons living below Poverty Line, provided the residential buildings are exclusively used by them for their own residential purpose.”.

By order and in the name of the Governor of Goa.

Narayan R. Sawant, Director & ex officio
Addl. Secretary (PR).

Panaji, 22nd April, 2013.

Department of Public Works

Notification

PCE/PWD/NH/2013-14/2

Whereas certain draft rules were proposed and pre-published as required by sub-section (1) of section 72 of the Goa, Daman and Diu Highways Act, 1974 (Act No. 10 of 1974), in the Official Gazette, Series I No. 41 dated 10th January, 2013, under Notification No. 5-1-PCE-PWD-EO/2012-13/141 dated 8th January, 2013, of the Public Works Department, Government of Goa, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette.

And whereas the said Gazette was made available to the public on 10th January, 2013.

And whereas all the objections and suggestions received from the public on the said draft by the Government, have been settled.

Now, therefore, in exercise of the powers conferred by section 72 read with sections 54A, 54B and 54D of the Goa, Daman and Diu Highways Act, 1974 (Act No. 10 of 1974), and in supersession of the Goa State Highways Fees for use of Permanent Bridges) Rules, 1990, except as respect of the things done or omitted to be done before such supersession, the Government of Goa hereby makes the following rules:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Highways Rules, 2013.

(2) They shall come into force retrospectively from 1st April, 2013.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa, Daman and Diu Highways Act, 1974 (Act No. 10 of 1974);

(b) “Fees” means the fees to be levied under sections 54A and 54B of the Act;

(c) “Assistant Engineer” means the Assistant Engineer of the Public Works Department (Roads and Bridges) or of any other Department incharge of a particular State highway, district, village road or permanent bridge;

(d) “Fee collection booth” means a booth established at a suitable location on any national highway, State highway, district road or village road to receive fees;

(e) “fee gate” means any barrier established in order to stop mechanical vehicle to receive fee;

(f) “Fee Inspector” means a person authorized by the Government to collect fees in respect of any mechanical vehicle for use of any State highway, district road, village road or permanent bridge and includes every Government employee posted on such State highway district road, village road and permanent bridge for the purpose of collection of fees;

(g) “Franchise” means franchise to collect the fees leviable under these Rules, awarded through auction/tender to any person, firm or company by the Government;

(h) “Government” means the Government of Goa;

(i) “mechanical vehicle” means any laden or unladen vehicle designed to be driven under its own power including a motor vehicle as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), but does not include a cart, tanga, hand driven or cycle rickshaw, bicycle, tricycle and any other animal or hand driven vehicle;

(j) “permanent bridge” means a bridge with permanent structures constructed on State highway major district road, village

road the cost of which including the cost of the bridge proper, approach roads, guide bunds and protective works as also structures constructed or improved for collection of fees is more than rupees twenty five lakhs and which is completed and thrown open for the public on or after the 1st day of January, 1986;

(k) "P.W.D" means Public Works Department of the Government of Goa.

Words and expressions used in these rules and not defined shall have the same meaning as assigned to them in the Act.

3. *Rates of Fees.*— There shall be levied and paid to the Government, fees on mechanical vehicles for the use of State highway, district road, village road or a permanent bridge or at the rates specified in the Schedule to these Rules.

4. *Displaying rates of fees.*— A table of fees to be levied for use of State highway, district road, village road and permanent bridge shall be put up at a conspicuous place near a fee collection booth at fee gate legibly written or printed in English, Hindi, Konkani and Marathi.

5. *Procedure for collection of fees, realization of amount handling etc.*— (1) All fees levied under these Rules shall be collected by the Government and for this purpose necessary arrangements shall be made by the Government for putting up adequate number of collection booths near fee gates (operated manually or by automatic arrangements or by combination of both as may be considered suitable by the Government) and improvement and widening of approach roads to serve the collection booths so set up.

(2) There shall be posted at either end of the National highway, State highway, district road, village road and permanent bridge, a Fee Inspector (with necessary police guard to assist) who shall collect fee in respect of any mechanical vehicle using the said State highway, district road, village road and

permanent bridge at the rates specified in the Schedule to these Rules.

(3) There shall be provided at either end of National highway, State highway, district road, village road and permanent bridge a fee gate for securing the stoppage of mechanical vehicles, and collection of fee under these Rules.

(4) The Fee Inspector at the fee gate shall ensure that passage is not allowed to mechanical vehicles unless the fee leviable in respect thereof has been paid at fee collection booth.

(5) The Government may grant franchise of fee collection on annual basis by way of public tenders/auction.

6. *Mode of collection of fee.*— (1) Every driver, owner or person incharge of a mechanical vehicle required to pay fees under these Rules shall, before crossing a fee collection booth, stop his vehicle at the fee gate and pay the fee leviable in respect of the vehicle at fee collection booth. The Fee Inspector shall prepare a receipt in duplicate in Form A hereto and hand over one copy of the receipt to the driver or owner or person in charge of mechanical vehicle in token of having paid the fees and retain the second copy for records.

(2) In the event of two or more permanent bridges falling in close proximity to each other and within eighty kilometers, from the point of entry of the first bridge to be crossed there shall be levied a fee for one bridge in respect of all such bridges. The fee shall be collected from the driver, owner or person incharge of mechanical vehicle which intends to cross such bridges, on the first or the last bridge or any of the intermediary bridges to be crossed and shall be allowed to pass through other bridges after showing the receipt to the Fee Inspector.

(3) When the same vehicle has to cross the same fee collection booth more than once in a

day, the driver, owner or person incharge of a mechanical vehicle shall have the option to pay the fees at one and a half times of rate notified by the Government while crossing the fee collection booth in the first trip itself, or if the Mechanical vehicle has to use the State highway district road, village road and permanent bridges frequently such driver, owner or person may have a monthly pass on payment of fees equal to single rates of thirty days.

7. Refund of fee collected.— The mechanical vehicle which enters the State of Goa via National Highway and exclusively uses the National Highway network for its movement and exits the State of Goa before the expiry of four hours from the time of its entry into the State of Goa, shall be entitled for refund of the total amount of fee paid by it at the time of entry.

8. Remittance of fees collected.— (1) The Fee Inspector on duty shall be responsible for the collection and safe custody of the amount collected towards fees during the period of his duty. The Fee Inspector shall not leave the collection booth till his reliever takes the charge of duty.

(2) The Fee Inspector shall maintain a cash register in Form B hereto and keep it up to date.

(3) The Fee Inspector shall at the end of the period of his duty, hand over the amount collected by him to his reliever after obtaining the signature of the latter in the relevant column of the cash register.

(4) Every day between 4.00 p.m. to 5.00 p.m. the Fee Inspector on duty, shall hand over the entire amount of the fee collected during the preceding 24 hours to the Assistant Engineer-in-charge of the State highway, district road, village road and permanent bridge after obtaining his signature in the relevant column of the cash register.

(5) The Assistant Engineer-in-charge shall keep the amounts of collection received from the Fee Inspector in the chest provided for the purpose at his office.

(6) The Assistant Engineer-in-charge shall on every Friday or if it happens to be a holiday, on the next working day, remit the amount received by him in respect of the week preceding the Friday by way of a demand draft drawn in favour of the Executive Engineer. The Executive Engineer shall account the amount so received in the relevant receipt head in his books.

(7) The Assistant Engineer-in-charge shall maintain a register in Form C hereto showing the remittance made to the Executive Engineer and shall keep the register up to date.

(8) The Assistant Engineer-in-charge shall exercise supervision and control over the staff posted at the State highway, district road, village road and permanent bridge in connection with the collection of the fees and maintenance of proper accounts and records.

(9) The Executive Engineer in-charge of the State highway, district road, village road and the permanent bridge shall pay surprise visits at least twice a month at the collection booth or the Office of the Assistant Engineer-in-charge, to check that the collection and remittance of fees by the staff is being done in accordance with the provisions of these Rules. He shall countersign the cash register and the other record maintained by the staff in token of such visit. Such visit, at least once in three months shall also be made by the Superintending Engineer of the Public Works Department (Road and Bridges) of particular area.

9. Furnishing of security.— The Fee Inspector shall deposit a cash security of not less than Rs. 1,000/- by executing a security bond to that effect.

10. *Credit of the proceed of fees.*— The proceeds from the fees shall form part of the Consolidated Fund of the State of Goa.

11. *Assistance by Police.*— All Police Officers of the area in whose jurisdiction the fee collection booth falls shall be bound to assist the Fee Inspectors when required in the collection of fees under these Rules, and for that purpose, shall have the same powers which they have in exercise of their normal police duties.

12. *Fees collection through franchisee.*— (1) In case the fee collection is to be done through the franchisee, the collection of fee and retaining such fee shall be tendered under such instructions and for such periods as the Government may decide from time to time and the money shall be collected by the PWD as per the terms and conditions of the agreement executed by the Government with the agency for such purposes.

(2) The mode of fee collection shall be decided by the franchisee referred to in sub-rule (1) with the approval of the Government.

(3) A table of fees authorized to be collected on State highways, district roads, village roads and permanent bridges shall be put up by such franchisee at a conspicuous place near fee collection booth legibly written or printed in English, Hindi, Marathi and Konkani languages.

(4) The franchisee authorized to collect and retain fee under these Rules shall appoint his employee as in-charge of fee collection who shall be responsible to ensure that fees are collected at not more than the notified rates and the fee collection is smooth without causing hardship to the road users and all other matters connected with fee collection at the fee collection booth. No fee shall be collected in

respect of mechanical vehicle exempted under sections 54A and 54B of the Act.

(5) The name, address and telephone number of such person in-charge of fee collection shall be displayed at suitable and conspicuous place near a fee collection booth.

(6) The PWD shall remit the auction money so collected from the franchisee by a demand draft to the Executive Engineer of that area.

13. *Tenure of fee collection.*— The fee shall be collected in perpetuity by the Public Works Department to recoup the cost of construction, repairs and maintenance of State highways, district roads, village roads and permanent bridges and for services and benefits rendered in relation to the use of such roads and bridges.

14. *Submission of returns.*— (1) In case fee collection is done by Department, it shall furnish following returns in the first week of July, October, January and April of every year to the Executive Engineer of that area:-

(a) month-wise consolidated statement showing the amount collected and remitted on account of fee proceeds in respect of each fee collection booth along with the details of number and date of demand draft by which the amounts has been remitted, and

(b) month-wise breakup of the expenditure incurred in respect of each fee collection booth.

(2) The PWD shall furnish to the Pay and Accounts Officer, the information about the amount and the period for which the franchisee has been awarded, immediately, after the auction for fee collection through franchisee.

15. *Agreement in relation to construction, development and maintenance of Highways and Bridges.*— The Government may enter into an agreement with any person in relation to construction, development and maintenance of the whole or any part of a Highway or a bridge on following terms and conditions:—

(1) The Government may publish in Official Gazette and local newspaper a tender bid for construction, development and maintenance of the whole or any part of a highway or a bridge. The terms for eligibility criteria of the person, who can take part in the bid shall be mentioned in the said bid. The person whose bid is approved shall be issued letter of acceptance and shall be invited for making agreement.

(2) The Government may transfer the land by lease for the construction and development of highway or bridge.

(3) The person may be permitted to invest his own funds for the construction, development and maintenance of the Highway or a bridge and to collect and retain the fees at agreed rates from different categories of mechanical vehicles for an agreed period for the use of the facilities and for the services and benefits rendered by such person on such highway and bridge.

(4) On completion of the period of collection of fees by the person, as per the agreement, all rights pertaining to the Highway or bridge shall be deemed to have been taken over by the Government and that the Government shall continue with collection of fees as notified from time to time, to recoup the cost of repairs and maintenance and for services and benefits rendered on such highways and bridges.

(5) A table of fees authorized to be collected on any highway or bridge shall be put up by such person at a conspicuous place near a fee collection booth legibly written or

printed in English, Hindi, Marathi and Konkani language.

(6) The person authorized to collect and retain the fees under these Rules shall appoint his employee as incharge of fee collection and the person so appointed shall be responsible to ensure that fees are not more than the rates specified in the schedule to these rules and the fee collection is smooth without causing undue hardship to the road users, and for all other matters connected with the fee collection. No fee shall be collected in respect of mechanical vehicle, exempted under sections 54A and 54B of the Act.

(7) The name, address and telephone number of the person in-charge of fee collection shall be displayed at suitable and conspicuous place near fee collection booth.

(8) It shall be the responsibility of the person with whom the agreement is made to strictly ensure that all fees leviable are levied, fully collected and correctly maintained. The person shall submit certified and audited copies of the statements of fee collected at specified intervals as required by the Government.

(9) The Government shall have the right to check the fee collection at any or all times through their designated officers.

(10) The person authorized to collect and retain the fees under these Rules, in respect of highway or bridge shall also have powers to regulate and control the traffic in respect of such highway or bridge in accordance with the provisions contained in Chapter VIII of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) for proper management thereof.

By order and in the name of the Governor
of Goa.

J. J. S. Rego, Principal Chief Engineer
(PWD).

Panaji, 22nd April, 2013.

SCHEDULE

(See rule 3)

Fee chargeable in respect of Mechanical vehicles using State highway, district road, village road and permanent bridge

Sr. No.	Particulars of Vehicles	Fee in Rupees
1.	Four wheeled Mechanical vehicles including Motorcar, Jeep, Pick up Van, Station Wagon, other auto driven light vehicles.	250.00
2.	Mechanical vehicles having six wheels including Bus, Truck and other heavy vehicles.	500.00
3.	Three wheeled Mechanical vehicles including Rickshaws.	100.00
4.	Mechanical vehicles including Buses and Trucks having more than six wheels, Mobile Cranes, Bull Dozers, Earthmovers, Road Rollers, etc.	1000.00

FORM A

[See rule 6 (1)]

R. No.	Receipt for payment of fee (Name of highway road/bridge)
(1)	Description of Mechanical Vehicle:
(2)	Registration No.:
(3)	Time and date of outward journey:
(4)	Amount of fees paid:

Signature of Fee Inspector

FORM 'B'

[See rule 7 (2)]

CASH REGISTER

Sl. No.	Date	Mechanical vehicle number	Number of receipt by which fee paid	Amount of fee paid	Progressive figures of fee paid	Signatures of Fee Inspector	Signatures of successors of Fee Inspector	Signature of Assistant Engineer-in-charge	Remarks
1	2	3	4	5	6	7	8	9	10

FORM 'C'

[See rule 7(7)]

REGISTER SHOWING RECORD OF FEE COLLECTION AND REMITTANCE ON ACCOUNT OF FEE COLLECTED

Sl. No.	Name of the Assistant Engineer-in-charge	Amount collected from the Fee Inspector (deposited)	Date of receipt	Name of the Bank from which Demand Draft is purchased	Number of Demand Draft and Date	Amount of Demand Draft	Details of Dispatch of Demand Draft	Postal Registration No. of Dispatch of Demand Draft	The date of challan by which the amount collected is deposited in Govt. Account by E.E's Office	Remarks
1	2	3	4	5	6	7	8	9	10	11

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